

NAME: Medina Mauricio, PRO SE  
REGISTER NO: 13411-104  
FCI LOMPOC CORRECTIONAL INSTITUTION  
3600 GUARD ROAD  
LOMPOC, CA 93436

Fee due



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

I Medina Mauricio  
Petitioner, Pro Se,

Vs.

Brian Birkholz, in his  
capacity as Warden; and the  
Bureau of Prisons,  
Respondent.

) Case no. 2:22-CV-08804-VBF  
(PD)  
) EMERGENCY MOTION SEEKING IMMEDIATE  
) RELEASE FROM THE BOP AND TERMINATION  
) OF SENTENCE UNDER 28 U.S.C. § 2241  
) AND RELIEF FROM BEING HELD IN CUSTODY  
) IN VIOLATION OF THE EIGHTH AMENDMENT  
) TO THE UNITED STATES CONSTITUTION,  
) AND RELIEF FROM CONDITIONS OF  
) CONFINEMENT IN VIOLATION OF THE  
) EIGHTH AMENDMENT, AND RELIEF FROM  
) THE BOP DUE TO THEIR INABILITY TO  
) PROVIDE ADEQUATE MEDICAL CARE, AND  
) RELIEF FROM THE BOP REPEATED  
) FAILED TO EXECUTE AND COMPLY WITH  
) THE FEDERAL COURT'S PRELIMINARY  
) INJUNCTION ORDER AND RELIEF FROM  
) FURTHER PSYCHOLOGICAL DISTRESS.  
) REQUEST RELEASE TO HOME CONFINEMENT

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I Medina Mauricio, comes before this Honorable  
Court humbly and respectfully and with a great sense of urgency  
moves this Court to grant my motion for immediate release from

the custody of the Bureau of Prisons based on numerous [E]xtraordinary and [C]ompelling [R]easons and [C]ircumstances described herein:

1) Substandard medical care with frequently inadequate medical treatment occurring or delayed in situations where timely treatment is critical for a favorable out come to the inmate. And at times the medical care of diagnostic work up is lacking, and at times even incompetent.

2) Medical providers-EMT (Emergency Medical Technicians) that are poorly trained in CPR & only using BLS (Basic Life Support) during life threatening situations requiring CPR using ACLS (Advanced Cardiac Life Support). Pharmacy Technician positions filled by EMT's dispensing prescription medication without pharmacist supervision or any pharmacy training to warn inmate patients of adverse medication side effects or multiple medication interactions. Physicians, physician assistants, and nurse practitioners giving often inadequate medical care or mistaken diagnoses/incompetent medical treatment.

3) The current conditions of confinement are Violations of the Fifth and the Eighth Amendment of the U.S. Constitution (Prohibition of cruel and Unusual Punishment and the Due Process Clause) and Violations of International law of Member States of the United Nations (the United States has signed) the Universal Declaration of Human Right, Article 5 (No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment).

4) The Class Action Suite, Torres v. Milusnic, Case no. 2:20-cv-04450-CBM-PVCx present by the ACLU attorneys to the U.S. District Court for the Central District of California on May 16, 2020 to this current date has not as yet given me relief from the unconstitutional conditions of confinement here at FCC Lompoc Correctional Institutional Prisons.

5) For the forgoing reasons I humbly ask this Court to accept my motion for Habeas Corpus, assess me individually, and grant me relief to the fullest extent this Court allows.

#### INTRODUCTION

On may day 10 of year 2016, I was convicted of Title 46 section 70506 F, and Title 46 section 70503 F, and was sentence to a term of 240 months, and 8 years of supervised release. As of today I have served 45.0 percentage of my Statutory Sentence. My projected release date (PRD) is schedule for ? day        of year 2032, and would normally be eligible for prerelease to RRC placement or home confinement/detention on ? day ? of year 2032.

#### MY UNDERLINING HEALTH CONDITIONS

My current underlining health conditions and conditions set forth by CDC guidelines as high risk and vulnerable to COVID-19 are as followed: ex-Smoker, hypertension  
I Am currently 43 Year old

Also, I currently suffer from additional symptoms related to COVID-19, and its variants due to conditions of confinement here at Lompoc prison that are deliberate indifference by the BOP staff and their milieu of Unconstitutional Violations of the Eighth Amendment, i.e. Cruel and Unusual Punishment such as continuing a total failure of biocontainment of a very contagious and deadly Coronavirus: COVID-19 and or its multiple mutating variants known to cause serious health problems involving many organ systems which can lead to permanent organ damage (long COVID) or death. There is continuing no social distancing between inmates, buildings that have been deem demolished but usable, poor

ventilation, over-crowding of inmates, contaminated surfaces (fomites) with pathologic microorganisms on everything in our environment, infrequent COVID testing, inmates not reporting COVID symptoms to avoid quarantine in Segregated Housing Units or the Hole (Freezer). All these things along with becoming infected with COVID multiple times, and for some inmates creates psychological/post traumatic stress disorder or PTSD type of symptoms and pathological health problems for myself and many other inmates.

REGARDING THE LOMPOC CLASS ACTION LAWSUIT

Pending in this Central District Court of California is a civil matter regarding inmates Unconstitutional Conditions of Confinement in Violation of the Eighth Amendment to the U.S. Constitution under 28 U.S.C. § 1331, and petitioner seeks relief from being held in custody in Violation of the Eighth Amendment to the U.S. Constitution under 28 U.S.C. § 2241, in addition, this Central District Court has Jurisdiction to grant Declaratory Judgement Act under 28 U.S.C. § 2201 alleging that the Respondent, or Bureau of Prisons were violating their Eighth Amendment Rights at FCC Lompoc by (i) failing to make full use of their Home Confinement and Compassionate Release Authority, and (II) failing to provide and implement adequate measures to prevent the spread of COVID-19 at FCC Lompoc, and (III) the inadequate and mediocre medical care provided by the BOP Health Department staff because the BOP is ONLY CERTIFIED FOR AMBULATORY CARE SERVICES. Exhibit 15.

LAWSUIT RECITAL

On May 16, 2020, a group of petitioners file a complaint with the Central District Court of California against the Bureau of Prisons at FCC Lompoc alleging (i) Unconstitutional Conditions of Confinement in Violation of the Eighth Amendment to the U.S.



Constitution pursuant to Title 28 U.S.C. § 2241 and 2243; and (2) Unconstitutional Conditions of Confinement in Violation of the Eighth Amendment to the U.S. Constitution pursuant to the United States Constitution, Amendment VIII, 28 U.S.C. § 1331; and 5 U.S.C. § 702 for Injunction Relief for Deliberate Indifference upon a group of prisoners housed at Federal Correction Complex (FCC Lompoc) within the Federal Bureau of Prisons (BOP).

On July 14, 2020, the Honorable Judge Consuelo B. Marshall had reasons to belief that the complaint filed had merit and have met all rules set forth under F.R.C.P. Rule 23 and the likelihood to prevail, as a result, she issued a Preliminary Injunction Order against the bureau of Prisons (BOP), Case no. 2:20-cv-4450-CBM-PVCx (Doc. 45) Ordering the BOP to immediately review all class members at FCC Lompoc that have met all the criterias set forth under the CARES ACT and the Attorney General William Barr's Memorandum of March 27, and April 3, 2020 to be granted and release for home confinement, Judge Consuelo B. Marshall was well aware of the many other alternative avenues available at her disposal for releasing prisoners to home for Unconstitutional Violations of Conditions of Confinement, but she gave the Bureau of Prisons not one but multiple chances to EXERCISE their "Discretionary Authority" under [E]xtraordinary and [C]ompelling Circumstances and Reasons to release eligible inmates to the safety of their home until the Pandemic is lifted or permanently to served the remainder of their sentence.

The Bureau of Prisons NOT ONLY IGNORED all of Judge Consuelo's Order but SIMPLY DIDN't HAVE TO DO ANYTHING AT ALL BECAUSE the BOP knew well that doing so would render the BOP in Violations of the statutory law governing the CARES ACT and the AG Barr's Memoranda. It remains the same today until the Court takes full custody of the class and at the Courts full discretion decides after evaluating from the list already been vetted and thoroughly reviewed provided by the BOP's Health Services

Administrator on a monthly basis as Order by Judge Consuelo B. Marshall for release for home confinement or grant the eligible class members for reduction in sentence under the Habeas Corpus Relief Act as an alternatives in the "FCC Lompoc Class Action Lawsuit's" original complaints and the Amended Complaints as well. Exhibit A.

EXTRAORDINARY AND COMPELLING  
ARGUMENTS AND CLAIMS FOR RELIEF

It's undisputed COVID-19 has taken numerous lives and debilitated numerous amount of inmates not just at FCC Lompoc but all the prisons systems and detention centers nationwide and show no efforts of slowing down. While serving my imposed sentence for the crime I was convicted of, also, I'm fighting to avoid further harm from being infected if I should contract COVID-19 and its multiple variants which is extraordinary difficult to do when each inmate is confined in very over-crowded conditions with no adequate social distancing between inmates.

Whereas, on May 16, 2020, several FCC Lompoc inmates brought action by filing a Complaint---Class Action Lawsuit for Declaratory Relief, Injunctive Relief, and petition for relief under the Writ of Habeas Corpus legislation;

Whereas, on March 26, 2020, Attorney General William Barr issued a memorandum that directed the BOP to "Prioritize the use of your various statutory authorities to grant home confinement for inmates seeking transfer in connection with the ongoing COVID-19 pandemic," and provided a non-exhaustive list of discretionary factors for evaluating inmates for home confinement. Exhibit 14;

Whereas, on March 27, 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act or the CARES ACT, which authorized the Director of the Bureau of Prisons to lengthen the

amount of time prisoners can be placed on home confinement under Section 3624 (c)(2), provided that the Attorney General makes a finding that "Emergency conditions will materially affect the functioning of the Bureau of Prisons";

Whereas, on April 3, 2020, Attorney General William Barr issued a revised memorandum in which he found the "emergency conditions are materially affecting the functioning of the Bureau" and directed the Bureau to "move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions" while cautioning that the BOP must continue to make "individualized [Home Confinement] determinations";

Whereas, on July 14, 2020, United States District judge Consuelo B. Marshall entered an order in filed class action lawsuit by issuing a Preliminary Injunction "The Preliminary Injunction Order" [Dkt. no. 45] that provisionally certified a class of FCC Lompoc inmates who are medically vulnerable to COVID-19 and set forth certain directives as to their reviewed for placement on home confinement;

Whereas, the Court Order FCC Lompoc to immediately evaluate all current and future people in post-conviction custody at FCI Lompoc and USP Lompoc and the Satellite Prison Camp over age 50, and all current and future class members in post-conviction custody at FCI Lompoc and USP Lompoc of any age with underlying health conditions including Chronic Obstructive Pulmonary Disease (COPD); serious heart conditions such as heart failure, coronary artery disease, or cardiomyopathies; Type 2 diabetes; chronic kidney disease; sickle cell disease; immunocompromised state from a solid organ transplant; obesity (body mass index of 30 or higher); asthma; cerebrovascular disease; cystic fibrosis; hypertension or high blood pressure; immunocompromised state from blood or bone marrow transplant; immune deficiencies; HIV; or those who use corticosteroids, or use other immune weakening medicines; neurologic conditions such as dementia; liver diseases; pulmonary fibrosis; thalassemia; Type 1 diabetes; and smokers,



as defined in the Preliminary Injunction [Dkt no. 45, at page 48];

Whereas, the Preliminary Injunction Order required the Respondent to file a list of provisional class members with the Court along with a declaration explaining the process used to identify the provisional class members in the list;

Whereas, the Respondents have been reviewing all provisional class members for potential home confinement release and filing declarations setting forth their decisions in the regard;

Whereas, on the BOP ONLY has statutory authority to transfer prisoners to home confinement under 18 U.S.C. § 3624(c)(2) and 34 U.S.C. § 60541;

Whereas, on October 2020 Judge Consuelo B. Marshall issued another Order demanding the BOP to "Comply and enforce the injunction order", the BOP ignored it again and no action was taken;

Whereas, the settlement suggested that "the parties desire to resolve the present litigation on the mutually acceptable terms set forth below, which they agree are a fair, reasonable and adequate resolution of this case---NOTHING WAS FAIR, NOR AQUITABLE TO BOTH SIDE, NOR ANYTHING STATES THAT THE BOP WILL COMPLY. The ONLY benefactor in the so call Settlement Agreement is the Bureau of Prisons and in its entirety.

Whereas, on August 27, 2021, a Report and Recommendation was drafted and proposed to Judge Consuelo B. Marshall and was later approved by Judge Marshall demanding the BOP to execute and carry out the Order, again, the BOP completely ignored it again. Judge Consuelo B. Marshal never once penalized the BOP's defiant behavior for their abused of power.

For all the forgoing reasons stated above, this motion for relief should be granted and if the Honorable Judge deems additional restrictions is necessary for this requested relief to protect the Court, the community, and myself, I will humbly accept and will honor all conditions stipulated set forth by this Honorable Court.



RELIEF SOUGHT

For the foregoing reasons stated herein, this Court should grant this petition for immediate release and terminate my custody from the Bureau of Prisons and end my sentence as afforded under Title 28 U.S.C. § 2241 Habeas Corpus Relief.

CONCLUSION

Base upon all the [E]xtraordinary and [C]ompelling [R]easons, I Medina Mauricio, humbly and respectfully request for this Honorable Court to reduce my term of imprisonment to time served and release me from the custody of the Bureau of Prisons within 48 hours of GRANTING THIS MOTION as allowed under 28 U.S.C. § 2241 Habeas Corpus Relief.

UNDER PENALTY OF PERJURY

Respectfully submitted and, pursuant to Title 28 U.S.C. § 1746, I declare under penalty of perjury that the information contained in this motion is true and correct to the best of my knowledge.

Executed on this 11 day of November, 2022, at  
3600 Guard Road, Lompoc, California.

Petitioner Medina Mauricio  
Register no. 13411-104  
FCI Lompoc Correctional Institution  
3600 Guard Road  
Lompoc, CA 93436

**EXHIBIT**

1

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PETITIONER Medina Mauricio, PRO SE

REGISTER NO 13411-104

FCI LOMPOC CORRECTIONAL INSTITUTION

3600 GUARD ROAD

LOMPOC, CA 93436

EMERGENCY MOTION SEEKING IMMEDIATE RELEASE  
FROM THE BOP AND TERMINATION OF SENTENCE  
UNDER 28 U.S.C. § 2241 AND RELIEF FROM  
BEING HELD IN CUSTODY IN VIOLATION OF  
THE EIGHTH AMENDMENT TO THE UNITED STATES  
CONSTITUTION, AND RELIEF FROM CONDITIONS  
OF CONFINEMENT IN VIOLATION OF THE EIGHTH  
AMENDMENT, AND RELIEF FROM THE BOP DUE TO  
THEIR INABILITY TO PROVIDE ADEQUATE MEDICAL  
CARE, AND RELIEF FROM THE BOP REPEATED  
FAILED TO EXECUTE AND COMPLY WITH THE  
FEDERAL COURT'S PRELIMINARY INJUNCTION  
ORDER AND RELIEF FROM FURTHER  
PSYCHOLOGICAL DISTRESS..

Mail to:

United State Court House  
Room 1053  
411 West. Fourth Street  
Santa Ana, California 92701-4516



PRO SE PETITIONER  
SEEKING RELIEF UNDER 28 U.S.C. § 2241  
WRIT OF HABEAS CORPUS

TABLE OF CONTENTS

- 1- Motion SEEKING RELIEF UNDER HABEAS CORPUS
- 2- Release Plan
- 3- Medical Records
- 4- Custody Classification info
- 5- Sentence Computation info
- 6- Exhibit A (ACLU Lawsuit "Amended Complaint page 1")
- 7- Exhibit B (ACLU Lawsuit "First Claim for Relief")
- 8- Exhibit C (ACLU Lawsuit "Second Claim for Relief")
- 9- Exhibit D (ACLU Lawsuit "Relief Sought")
- 10- Exhibit E (Preliminary Injunction Relief Granted)
- 11- Exhibit F (ACLU Correspondence updating class members)
- 12- Exhibit G (News article regarding "Ex-Officer is sentence for Deliberate Indifference")
- 13- Exhibit H (The Attorney General Barr's memorandum "Directing the BOP to release high risk inmate that's vulnerable to COVID-19 for release if they have met the CARESS ACT guideline". ONLY A FEW INMATES OUT OF APPROXIMATELY 3500 QUALIFIED.
- 14- Exhibit I (BOP wants "WANTS RELEASE OF CLAIMS AND ADMISSION OF NO WRONG DOING, AND STRIPPING ALL CLASS MEMBERS OF ALL FUTURE CLAIMS OF HABEAS CORPUS FILING AS REQUESTED IN THE PROPOSE SETTLEMENT AGREEMENT)
- 15- BOP Seeks only "AMBULATORY HEALTH CARE" SERVICES ONLY

# EXHIBIT

2

INMATE RELEASE PLAN

Name: medina Mauricio

Register Number: 13411-104

Please fill out the following and return to your Case Manager as soon as possible.

- ° Where will you live (House/Apt?). Full address and phone number?:

CODY WAY 9660

STOCTON, CA  
95209

- ° Who will you live with and what is there relationship to you?:

David martinez medina  
BROTHER

- ° Any health concerns of the people living in the house?:

NO

- ° How do you plan on getting to your Home Confinement location? Do you have a person who can transport you directly? If so, name and relationship of that person?:

BY BUS

- ° Are you able to self-quarantine at your residence?:

Yes



**EXHIBIT**

3

**Federal Bureau of Prisons  
SCREENINGS**

Inmate Name: MEDINA, MAURICIO MARTINEZ	Reg #: 13411-104
Date of Birth: 03/03/1980	Sex: M Race: WHITE
Encounter Date: 04/15/2021 17:00	Facility: VVM
Provider: Mank, Michael DO	Unit: E01

**Screenings:**

**COVID-19**

**Exit Summary**

Yes: Pre-Release/Transfer Quarantine (Begin and End Date: 2/21/2021 - 4/16/2021 (BLUE MOVEMENT)), COVID Test Result (Results/Date: Negative 3/1/2021-3/29/2021 (BLUE MOVEMENT)), History of COVID Isolation (Begin and End Dates: 5/4/2020 - 5/21/2020)

No: COVID-19 Janssen vaccine received, COVID-19 Pfizer vaccine received, COVID-19 Moderna vaccine received

Cosign Required: No

Completed by Mank, Michael DO on 04/15/2021 17:01.

**COPY**  
**SBU**  
Sensitive But Unclassified

**Bureau of Prisons  
Health Services  
Medication Summary  
Historical**

Complex: LOX--LOMPOC FCC	Begin Date: 01/01/2020	End Date: 01/01/2021
Inmate: MEDINA, MAURICIO MARTINEZ	Reg #: 13411-104	Quarter: G04-009L

**Medications listed reflect prescribed medications from the begin date to end date on this report.**

**Allergies:** Denied

**Active Prescriptions**

Azithromycin Tab 250 MG, [Z-Pak]

Take 2 tablets (500 MG) by mouth on day one, then take 1 tablet daily for 4 days \*\*\*It is important to finish ALL of this medication\*\*\* \*\*self carry\*\*

**Rx#:** 329428-LOX      **Doctor:** Dhaliwal, Jaspal (MAT) MD

**Start:** 07/30/20      **Exp:** 08/04/20      **Pharmacy Dispensings:** 6 Tab in 5 days

COPY  
Sensitive But Unclassified  
SBU



**Bureau of Prisons  
Health Services  
Clinical Encounter**

Inmate Name: MEDINA, MAURICIO MARTINEZ	Reg #: 13411-104
Date of Birth: 03/03/1980	Sex: M Race: WHITE Facility: LOF
Encounter Date: 07/29/2020 07:53	Provider: Mishchenko, Galyna FNP Unit: G03

Mid Level Provider - Sick Call Note encounter performed at Health Services.

**SUBJECTIVE:**

COMPLAINT 1 Provider: Mishchenko, Galyna FNP

Chief Complaint: Headache

Subjective: 40 y/o male c/o HA, SOB, CXR- in 02/2020- confirmed lung opacity with possible atelectasis, c/o occasionally CP on breathing, denies cough or SOB, today normal V/S including O2Sat, - COVID 19 tx with Z-pack prescribed, recommended CXR -as PA and lateral ordered. DKNA

Pain: No

**OBJECTIVE:**

**Temperature:**

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
07/29/2020	07:30 LOX	97.9	36.6		Cagney, Elsa RN

**Pulse:**

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
07/29/2020	07:30 LOX	73			Cagney, Elsa RN

**Respirations:**

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
07/29/2020	07:30 LOX	18	Cagney, Elsa RN

**Blood Pressure:**

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
07/29/2020	07:30 LOX	118/77				Cagney, Elsa RN

**SaO2:**

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
07/29/2020	07:30 LOX	98		Cagney, Elsa RN

**Weight:**

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
07/29/2020	07:52 LOX	187.0	84.8		Mishchenko, Galyna FNP

**Exam:**

**General**

Appearance: Yes: Appears Well, Alert and Oriented x 3

**Nose**

**General**

Yes: Inflamed Turbinates, Turbinates Boggy, Clear Discharge

**Mouth**

**Pharynx**

Yes: Inflammation, Erythema, Sinus Drainage

No: Tonsillar Exudate, Swelling, Tonsillar Hypertrophy

**Pulmonary**

BP-A0807  
Sep 11

**INFLUENZA VACCINE CONSENT - INMATES**

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

*Note: CDC Vaccine Information Statements in multiple languages available at: [www.cdc.gov/vaccines/pubs/vis/](http://www.cdc.gov/vaccines/pubs/vis/)*

I have been provided a copy of the Vaccine Information Statement\* for Influenza Vaccine dated 8/7/15. I have had the opportunity to ask questions about the benefits and risks of vaccination.

☒ I consent to receive the influenza vaccine at this time.

Health Questions Prior to Influenza Vaccination (Check Yes or No)

Yes	No	Health Questions
	<input checked="" type="checkbox"/>	Are you sick today? (if moderately to severely ill should postpone vaccination)
	<input checked="" type="checkbox"/>	Do you have allergy to eggs?
	<input checked="" type="checkbox"/>	Have you ever had serious reaction to influenza vaccine?
	<input checked="" type="checkbox"/>	If so, describe:
	<input checked="" type="checkbox"/>	Have you had Guillain-Barré syndrome (progressive paralysis)

Inmate Signature	Witness Signature	Date
Medina Mauricio	A. WONG PARAMEDIC FCC LOMPOC <input type="checkbox"/> A. Wong NR-Paramedic FCC LOMPOC <input type="checkbox"/> Other:	1-25-2019

☐ I decline to receive the influenza vaccine at this time.

Inmate Signature	Witness Signature	Date
	<input type="checkbox"/> A. Wong NR-Paramedic FCC LOMPOC <input type="checkbox"/> Other:	

(PRINT) Inmate Name (Last, First)	Register	Facility
Medina Mauricio	13411-104	FCC Lompoc

COPIES  
Sensitive But Unclassified

Prescribed By P6190

BP-S358.060  
SEP 05

**MEDICAL TREATMENT REFUSAL**

CDFRM

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

2-28-2019

Date

I, MAURICIO MEDINA 13411-104, refuse treatment recommended by the Federal Bureau of Prisons Medical staff for the following condition(s):

**DESCRIBE CONDITION IN LAYMAN'S TERMINOLOGY:**

Inmate with positive TB skin test

**The following treatment(s) was/were recommended:**

Prophylaxis treatment for latent TB offered

**Federal Bureau of Prisons Medical staff members have carefully explained to me that the following possible consequences and/or complications may result because of my refusal to accept treatment:**

Inmate refusal could lead to active TB, complications and death.

I understand the possible consequences and/or complications, listed above, and still refuse recommended treatment. I hereby assume all responsibility for my physical and/or mental condition, and release the Bureau of Prisons and its employees from any and all liability for respecting and following my expressed wishes and directions.

BALOGUN, VICTORIA NP 2-28-2019  
Counseled by Date

X [Signature] 02/28/19  
Patient's Signature Date

Signature of Witness [Signature] 2-28-2019  
Date

LOF-LOMPOC FCI



**Bureau of Prisons  
Health Services  
Health Problems**

Reg #: 13411-10411

Inmate Name: MEDINA, MAURICIO MARTINEZ

Description	Axis	Code	Type	Code	Diag. Date	Status	Status Date
<b>Current</b>							
LTBI Prophylaxis Refused	III	ICD-10	795.5D	02/28/2019	Current		
02/28/2019 12:57 EST Balogun, Victoria NP hx +PPD 10mm 1/7/2017,	III	ICD-10	795.5D	02/17/2017	Current		
08/01/2017 09:16 EST Panglilan, P. MLP hx +PPD 10mm 1/7/2017, CXR negative 1/9/2017--refused INH prophylaxis 2/17/2017	III	ICD-10	795.5D	02/17/2017	Current		
02/17/2017 10:45 EST Garcia, Hector RN/IDC/IOP	III	ICD-10	795.5D	02/17/2017	Current		
Acute pharyngitis, unspecified		ICD-10	J029	07/29/2020	Current		
07/29/2020 11:16 EST Mishchenko, Galya FNP		ICD-10	J029	07/29/2020	Current		
Inguinal hernia		ICD-10	K4090	10/31/2017	Current		
10/31/2017 14:05 EST Mishchenko, Galya FNP (L) scrotal/inguinal hernia		ICD-10	K4090	10/31/2017	Current		08/01/2017
10/31/2017 14:00 EST Mishchenko, Galya FNP (L) scrotal hernia		ICD-10	K4090	10/31/2017	Current		
Inguinal hernia		ICD-10	K4090	2001	Current		
08/01/2017 09:17 EST Panglilan, P. MLP hx left inguinal hernia, 2001		ICD-10	K4090	2001	Current		
01/12/2017 12:52 EST Panglilan, P. MLP hx left inguinal hernia, 2001		ICD-10	K4090	01/05/2017	Current		
01/05/2017 18:31 EST Reynaldo, A. MLP		ICD-10	M545	09/17/2018	Current		
Low back pain		ICD-10	Z6827	08/01/2017	Current		
09/17/2018 13:34 EST Baker, Stephen PA-C Low and mid back pain - muscle spasms		ICD-10	Z6827	08/01/2017	Current		
Body mass index (BMI) 27.0-27.9, adult		ICD-10	Z719	01/12/2017	Current		
08/01/2017 09:12 EST Panglilan, P. MLP BMI= 27.6 (overweight)		ICD-10	Z719	01/12/2017	Current		
Counseling, unspecified		ICD-10	Z719	01/12/2017	Current		
08/01/2017 09:12 EST Panglilan, P. MLP HIV pretest counseling completed 1/12/2017, 8/1/2017		ICD-10	Z719	01/12/2017	Current		
01/12/2017 12:52 EST Panglilan, P. MLP HIV pretest counseling completed 1/12/2017		ICD-10	Z719	01/12/2017	Current		

Reg #: 13411-104

Inmate Name: MEDINA, MAURICIO MARTINEZ

Description**Resolved**Axis Code TypeCodeDiag. Date StatusStatus Date

LTBI Pending Tx Eval

02/17/2017 10:45 EST Garcia, Hector RN/DC/ADP

III ICD-10

P795.5

01/12/2017 Resolved

02/17/2017

+PPD 10mm 1/7/2017 FDC Miami

CXR negative 1/9/2017 No acute pathology noted

III ICD-10

P795.5

01/12/2017 Current

+PPD 10mm 1/7/2017 FDC Miami

CXR negative 1/9/2017

Confirmed case COVID-19

05/21/2020 00:36 EST Figlenski, Jessica WXR0

ICD-10

U07.1

05/04/2020 Resolved

05/20/2020

QI/PC/RN

05/10/2020 16:33 EST Figlenski, Jessica WXR0

ICD-10

U07.1

05/04/2020 Current

QI/PC/RN

Body mass index (BMI) 26.0-26.9, adult

08/01/2017 09:12 EST Panglinan, P. MLP

ICD-10

Z6826

01/12/2017 Resolved

08/01/2017

BMI= 26.2

01/12/2017 13:10 EST Panglinan, P. MLP

ICD-10

Z6826

01/12/2017 Current

BMI= 26.2

Total: 10

BP-A0807

INFLUENZA VACCINE CONSENT - INMATES

Sep 11

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Note: CDC Vaccine Information Statements in multiple languages available at: [www.cdc.gov/vaccines/pubs/vis/](http://www.cdc.gov/vaccines/pubs/vis/)

I have been provided a copy of the Vaccine Information Statement\* for Influenza Vaccine dated 8/7/15. I have had the opportunity to ask questions about the benefits and risks of vaccination.

☒ I consent to receive the influenza vaccine at this time.

Health Questions Prior to Influenza Vaccination (Check Yes or No)

Yes	No	Health Questions
	<input checked="" type="checkbox"/>	Are you sick today? (if moderately to severely ill should postpone vaccination)
	<input checked="" type="checkbox"/>	Do you have allergy to eggs?
	<input type="checkbox"/>	Have you ever had serious reaction to influenza vaccine?
	<input checked="" type="checkbox"/>	If so, describe:
	<input checked="" type="checkbox"/>	Have you had Guillain-Barré syndrome (progressive paralysis)

Inmate Signature	Witness Signature	Date
Medina Mauricio	A. WONG PARAMEDIC FCC LOMPOC <input type="checkbox"/> A. Wong NR-Paramedic FCC LOMPOC <input type="checkbox"/> Other:	1-25-2019

☐ I decline to receive the influenza vaccine at this time.

Inmate Signature	Witness Signature	Date
	<input type="checkbox"/> A. Wong NR-Paramedic FCC LOMPOC <input type="checkbox"/> Other:	

(PRINT) Inmate Name (Last, First)	Register	Facility
Medina Mauricio	13411-104	FCC Lompoc

COPIES  
Sensitive But Unclassified

BP-S358.060  
SEP 05

**MEDICAL TREATMENT REFUSAL**

CDFRM

**U.S. DEPARTMENT OF JUSTICE**

**FEDERAL BUREAU OF PRISONS**

2-28-2019  
Date

I, MAURICIO MEDINA 13411-104, refuse treatment recommended by the Federal Bureau of Prisons Medical staff for the following condition(s):

**DESCRIBE CONDITION IN LAYMAN'S TERMINOLOGY:**

Inmate with positive TB skin test

**The following treatment(s) was/were recommended:**

Prophylaxis treatment for latent TB offered

**Federal Bureau of Prisons Medical staff members have carefully explained to me that the following possible consequences and/or complications may result because of my refusal to accept treatment:**

Inmate refusal could lead to active TB, complications and death.

**I understand the possible consequences and/or complications, listed above, and still refuse recommended treatment. I hereby assume all responsibility for my physical and/or mental condition, and release the Bureau of Prisons and its employees from any and all liability for respecting and following my expressed wishes and directions.**

BALOGUN, VICTORIA NP 2-28-2019  
Counseled by Date

X (Signature) 02/28/19  
Patient's Signature Date

Signature of Witness DATE  
**SENSITIVE BUT UNCLASSIFIED**  
**COPY**

LOF--LOMPOC FCI



LOF82 606.00 \* MALE CUSTODY CLASSIFICATION FORM \* 12-01-2022  
PAGE 001 OF 001 12:05:59

## (A) IDENTIFYING DATA

REG NO.: 13411-104 FORM DATE: 11-18-2022 ORG: LOF  
NAME: MEDINA, MAURICIO MARTINEZ

MGTV: NONE

PUB SFTY: ALIEN, SENT LGTH

MVED:

## (B) BASE SCORING

DETAINER: (0) NONE SEVERITY: (3) MODERATE  
MOS REL.: 126 CRIM HIST SCORE: (00) 0 POINTS  
ESCAPES.: (0) NONE VIOLENCE: (0) NONE  
VOL SURR: (0) N/A AGE CATEGORY: (2) 36 THROUGH 54  
EDUC LEV: (1) ENRLD + SAT IN GED DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

## (C) CUSTODY SCORING

TIME SERVED: (3) 0-25% PROG PARTICIPAT: (2) GOOD  
LIVING SKILLS: (2) GOOD TYPE DISCIP RPT: (5) NONE  
FREQ DISCIP RPT.: (3) NONE FAMILY/COMMUN.: (4) GOOD

## --- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+6	+19	-3	+3	LOW	N/A	IN	DECREASE

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED



# EXHIBIT

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LOMLA \* INMATE EDUCATION DATA \* 10-31-2022  
PAGE 001 OF 001 \* TRANSCRIPT \* 13:31:38

REGISTER NO: 13411-104 NAME...: MEDINA FUNC: PRT  
FORMAT.....: TRANSCRIPT RSP OF: LOF-LOMPOC FCI

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
LOF	ESL EXEMPT	ESL NEED-PERMANENTLY EXEMPT	09-20-2017 1504	CURRENT
LOF	GED SAT	GED PROGRESS SATISFACTORY	07-02-2018 1544	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
LOF	SP.GED RM 3 M-F 0900-1030	06-01-2022	06-28-2022	P	W	I	70
LOF	GED SPANISH A DORM COHORT	01-19-2022	06-01-2022	C	W	I	0
LOF	GED A DORM COHORT	11-04-2021	01-19-2022	C	W	I	0
LOF	COLORED PENCIL MON & TUES	11-02-2021	11-18-2021	P	C	P	12
BSF	HORITCULTURE CLASS	06-11-2021	09-03-2021	P	C	C	96
LOF	ESL A COHORT	10-30-2020	02-18-2021	P	W	I	870
LOF	ESL G COHORT CL RM 3	08-21-2020	10-30-2020	C	W	V	0
LOF	ESL AFTERNOON CLRM 3	01-29-2020	08-21-2020	C	W	V	0
LOF	ESL MORNING CLRM 3	10-13-2017	01-29-2020	C	W	I	0
LOF	ESL AFTERNOON CLRM 3	10-05-2017	10-13-2017	C	W	I	0

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
CASAS	LIST PLACE	192.0	10-02-2017	LOF	2	
	READ LEV A	205.0	05-09-2018	LOF	84R	
	READ LEV B	212.0	10-02-2019	LOF	83R	
	READ PLACE	192.0	10-02-2017	LOF	2	

G0000 TRANSACTION SUCCESSFULLY COMPLETED

LOF82 540\*23 \* SENTENCE MONITORING \* 12-01-2022  
PAGE 001 \* COMPUTATION DATA \* 12:05:16  
AS OF 12-01-2022

REGNO...: 13411-104 NAME: MEDINA, MAURICIO MARTINEZ

FBI NO.....: N9LVNPPAD DATE OF BIRTH: 03-03-1980 AGE: 42  
ARS1.....: LOF/A-DES  
UNIT.....: 2 GP QUARTERS.....: G04-009L  
DETAINEES.....: NO NOTIFICATIONS: NO

FSA ELIGIBILITY STATUS IS: INELIGIBLE

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.

HOME DETENTION ELIGIBILITY DATE.....: 02-29-2032

FINAL STATUTORY RELEASE FOR INMATE.: 05-25-2033 VIA GCT REL  
WITH APPLIED FSA CREDITS.: 270 DAYS  
THE INMATE IS PROJECTED FOR RELEASE: 08-28-2032 VIA FSA REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: FLORIDA, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:17-CR-10003(S)  
JUDGE.....: MOORE  
DATE SENTENCED/PROBATION IMPOSED: 07-17-2017  
DATE COMMITTED.....: 09-11-2017  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$200.00	\$00.00	\$00.00	\$00.00
RESTITUTION....:	PROPERTY: NO	SERVICES: NO	AMOUNT: \$00.00	

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 859 46:1903 MARITIME DRUG  
OFF/CHG: 46:70506(B) CPWID 5KG OR MORE OF COCAINE ON BOARD A VESSEL  
SUBJECT TO THE JURISDICTION OF THE UNITED STATES (CT1);  
46:70503(A) (1) PWID 5KG OR MORE OF COCAINE WHILE ON BOARD A  
VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES (CT2)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS  
TERM OF SUPERVISION.....: 5 YEARS  
DATE OF OFFENSE.....: 05-10-2016

G0002 MORE PAGES TO FOLLOW . . .

LOF82 540\*23 \* SENTENCE MONITORING \* 12-01-2022  
PAGE 002 OF 002 \* COMPUTATION DATA \* 12:05:16  
AS OF 12-01-2022

REGNO...: 13411-104 NAME: MEDINA, MAURICIO MARTINEZ

-----CURRENT COMPUTATION NO: 010-----

COMPUTATION 010 WAS LAST UPDATED ON 04-08-2020 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 08-17-2017 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 07-17-2017  
TOTAL TERM IN EFFECT.....: 240 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 20 YEARS  
EARLIEST DATE OF OFFENSE.....: 05-10-2016

JAIL CREDIT.....: FROM DATE THRU DATE  
05-10-2016 07-16-2017

TOTAL PRIOR CREDIT TIME.....: 433  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 1080  
TOTAL GCT EARNED.....: 324  
STATUTORY RELEASE DATE PROJECTED: 05-25-2033  
ELDERLY OFFENDER TWO THIRDS DATE: 09-09-2029  
EXPIRATION FULL TERM DATE.....: 05-09-2036  
TIME SERVED.....: 6 YEARS 6 MONTHS 22 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 32.8  
PERCENT OF STATUTORY TERM SERVED: 38.5

PROJECTED SATISFACTION DATE.....: 08-28-2032  
PROJECTED SATISFACTION METHOD...: FSA REL  
WITH FSA CREDITS INCLUDED...: 270

REMARKS.....: 08/17/17 COMP CMPLT L/ALH.  
4-8-20 GCT UPDATED PURSUANT TO FSA P/JMD.

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

EXHIBIT

5



# EXHIBIT

6

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

RICHARD GARRIES; ANDRE W  
YBARRA, individually and on behalf  
of all others similarly situated,

Plaintiff-Petitioners,

vs.

LOUIS MILUSNIC, in his capacity as  
Warden of Lompoc; and MICHAEL  
CARVAJAL, in his capacity as Director  
of the Bureau of Prisons,

Defendant-Respondents.

CASE NO. 2:20-cv-04450-CBM-PVCx

FIRST AMENDED COMPLAINT—  
CLASS ACTION FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF  
HABEAS CORPUS

Immediate Relief Requested

1 including those pertaining to resource distribution and factors that BOP facility  
2 leadership should consider in determining an incarcerated individual's eligibility for  
3 early release. His responsibilities include ensuring the safety of all in the BOP  
4 system and ensuring that institutions operate in an orderly fashion. Director Carvajal  
5 is aware of and has adopted and enforced policies that leave Petitioners and all those  
6 similarly situated exposed to infection, severe illness, and death due to COVID-19.  
7 He is sued in his official capacity only.

8  
9 **III.**

**JURISDICTION AND VENUE**

10 14. This Court has jurisdiction over this action pursuant to 28 U.S.C.  
11 § 2241 because Petitioners seek relief from being held in custody in violation of the  
12 Eighth Amendment to the U.S. Constitution, and pursuant to 28 U.S.C.  
13 § 1331 for relief from conditions of confinement that are in violation of the Eighth  
14 Amendment.

15 15. The Court has subject-matter jurisdiction over this Petition pursuant to  
16 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 702 of the Administrative Procedure  
17 Act, 28 U.S.C. § 2241 (habeas corpus) and Article I, § 9, cl. 2 of the U.S.  
18 Constitution (Suspension Clause). In addition, the Court has jurisdiction to grant  
19 declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

20 16. Venue is proper in the Central District of California pursuant to 28  
21 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving  
22 rise to these claims occurred and continues to occur in this district.

23 17. This Court has personal jurisdiction over Warden Milusnic because at  
24 all times relevant to this action, s he has been employed at Lompoc in Santa Barbara  
25 County, California, and all the actions and omissions at issue occurred at Lompoc.  
26 This Court has personal jurisdiction over Director Carvajal because at all times  
27 relevant to this action, he has set BOP policies and issued guidance that Respondent  
28 Milusnic has applied at Lompoc in Santa Barbara County, California.

EXHIBIT

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1 members or between the attorneys and Class members that would affect this  
2 litigation.

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VII.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Eighth Amendment)

Unconstitutional Conditions of Confinement in Violation of the Eighth Amendment to the U.S. Constitution

28 U.S.C. § 2241/28 U.S.C. § 2243

*Class versus All Defendants*

102. Petitioner incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

103. Petitioners bring this claim on their own behalf and on behalf of the Class.

104. The Eighth Amendment guarantees sentenced prisoners custody free of “a condition of confinement that is sure or very likely to cause serious illness and needless suffering the next week or month or year.” *Helling*, 509 U.S. at 33; *see also* U.S. Const. Amend VIII. The government’s failure to protect the prisoners in its custody from a widespread outbreak of a serious contagious disease that causes potentially permanent damage or death constitutes deliberate indifference in violation of the Eighth Amendment to the United States Constitution.

105. Petitioners and the Class are at severe risk of contracting COVID-19 because 60% of prisoners have already tested positive. Petitioners and the sub-class are uniquely vulnerable to serious complications or death from contracting COVID-19 because of their age and/or because they suffer from medical conditions that render them uniquely vulnerable.

106. Because of the conditions at Lompoc, Petitioners and Class members cannot take steps to protect themselves—such as social distancing, hand-washing



1 hygiene, or self-quarantining—and the government has not provided adequate  
2 protections. As COVID-19 rapidly spreads inside Lompoc, the already deplorable  
3 conditions at the prison will continue to deteriorate, and incarcerated individuals  
4 there will continue to contract COVID-19 at staggering rates. Due to inadequate  
5 medical care at Lompoc, the health and safety of those who contract COVID-19 will  
6 be put in unconstitutional danger.

7 107. Petitioners contend that the fact of their confinement in prison itself  
8 amounts to an Eighth Amendment violation under these circumstances, and nothing  
9 short of an order ending their confinement at Lompoc will alleviate that violation.

10 108. Respondent's failure to adequately protect Petitioners from these  
11 unconstitutional conditions, or release them from the conditions altogether,  
12 constitutes deliberate indifference to a substantial risk of serious harm to Petitioners,  
13 and all members of the Class, thereby establishing a violation of the Eighth  
14 Amendment to the United States Constitution.

15 109. Respondents were aware or should have been aware of these  
16 conditions, which were and are open and obvious throughout the entire prison

17 110. Respondents knew of and disregarded an excessive risk to health and  
18 safety.

19 111. Respondents failed to act with reasonable care to mitigate these risks,  
20 subjecting Petitioners to a grave and serious risk of harm of serious illness,  
21 permanent injury, or death.

22 112. Because Respondents failed to act to remedy Petitioners' and the  
23 Class's degrading and inhumane conditions of confinement in violation of their  
24 Eighth Amendment rights, Petitioners seek relief under this Writ of Habeas Corpus  
25 Petition and Class Action Complaint.

26 113. Because of the unlawful conduct of Respondents, Petitioners and the  
27 Class are threatened with imminent physical injury, pain and suffering, emotional  
28 distress, humiliation, and death.

**EXHIBIT**

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1 SECOND CLAIM FOR RELIEF

2 (Eighth Amendment)

3 Unconstitutional Conditions of Confinement in Violation of the  
4 Eighth Amendment to the U.S. Constitution

5 Injunctive Relief Only

6 U.S. Const, Amend. VIII; 28 U.S.C. § 1331; 5 U.S.C. § 702

7 *Class versus All Defendants in their Official Capacities*

8 114. Petitioners incorporate by reference each and every allegation  
9 contained in the preceding paragraphs as if set forth fully herein.

10 115. Petitioners bring this claim on their own behalf and on behalf of the  
11 Class.

12 116. This claim does not seek the release of any members of the Class and  
13 accordingly is not maintained pursuant to 28 U.S.C. § 2241. However, it is well-  
14 established that individuals may sue to enjoin constitutional violations, either  
15 directly under the Constitution or under the Administrative Procedure Act. *See*  
16 *Sierra Club v. Trump*, 929 F.3d 670, 694 (9th Cir. 2019) (“Plaintiffs may bring their  
17 challenge through an equitable action to enjoin unconstitutional official conduct, or  
18 under the judicial review provisions of the Administrative Procedure Act  
19 (“APA”), 5 U.S.C. § 701 *et seq.*, as a challenge to a final agency decision that is  
20 alleged to violate the Constitution, or both.”); *Fazaga v. FBI*, 916 F.3d 1202, 1239–  
21 1241 (9th Cir. 2019) (permitting claims against federal officials in their official  
22 capacities for injunctive relief directly under the Fourth Amendment, even though  
23 Privacy Act provides for other remedies, and contrasting them to direct actions  
24 under the Fourth Amendment for money damages, which are *Bivens* claims); *Jones*  
25 *v. Hurwitz*, 324 F. Supp. 3d 97, 100 (D.D.C. 2018) (finding that a *Bivens* claim  
26 could not be maintained because allegations were against defendants in their official  
27 capacities but that equitable action could have been maintained as a “direct cause of  
28 action arising under the Constitution”); *Farmer v. Brennan*, 511 U.S. 825, 846

# EXHIBIT

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1 (1994) (“If the court finds the Eighth Amendment’s subjective and objective  
2 requirements satisfied” with regard to a federal prisoner, “it may grant appropriate  
3 injunctive relief.”).

4 117. Because of the conditions at Lompoc, Petitioners and Class members  
5 cannot take steps to protect themselves—such as social distancing, hand-washing  
6 hygiene, or self-quarantining—and the government has not provided adequate  
7 protections. As COVID-19 rapidly spreads inside Lompoc, the already deplorable  
8 conditions at the prison will continue to deteriorate, and incarcerated individuals  
9 there will continue to contract COVID-19 at staggering rates.

10 118. Respondent’s failure to adequately protect Petitioners from these  
11 unconstitutional conditions, or release them from the conditions altogether,  
12 constitutes deliberate indifference to a substantial risk of serious harm to Petitioners,  
13 and all members of the Class, thereby establishing a violation of the Eighth  
14 Amendment to the United States Constitution.

15 119. Because of the unlawful conduct of Respondents, Petitioners and the  
16 Class are threatened with imminent physical injury, pain and suffering, emotional  
17 distress, humiliation, and death.

## 18 VIII.

### 19 RELIEF REQUESTED

20 WHEREFORE, Petitioners, and the Class respectfully request that the Court:

21 1. Declare that Lompoc’s custody of Petitioners and the Class violates the  
22 Eighth Amendment right against cruel and unusual punishment with respect to  
23 Petitioners and the Class;

24 2. Order a highly expedited process—for completion within no more than  
25 48 hours—for Respondents to use procedures available under the law to review  
26 members of the Class for enlargement of custody to home confinement (or bail  
27 pending habeas corpus) in order to reduce the density of the prison population to  
28 a number that allows for the implementation of appropriate measures to prevent the



1 spread of COVID-19, during the pendency of this petition for a writ of habeas  
2 corpus;

3 3. Order respondents to comply with the Constitution for any Class  
4 members who do not receive temporary enlargement and remain at Lompoc during  
5 the pendency of the petition;

6 4. Grant a writ of habeas corpus for all members of the class that received  
7 temporary enlargement within one day of the Court's order and release all such  
8 persons within twenty-four hours;

9 5. Enter a temporary restraining order, preliminary injunction and  
10 permanent injunction requiring Respondents to immediately adopt mitigation efforts  
11 to protect all Class Members not released, including but not limited to:

12 A. Providing adequate spacing of six feet or more between  
13 incarcerated people so that social distancing can be  
14 accomplished in accordance with CDC guidelines;

15 B. Ensuring that each incarcerated person receives, free of  
16 charge, an individual supply of hand soap and paper  
17 towels sufficient to allow frequent hand washing and  
18 drying each day; an adequate supply of clean implements  
19 for cleaning such as sponges and brushes and disinfectant  
20 hand wipes or disinfectant products effective against the  
21 virus that causes COVID-19 for daily cleanings;

22 C. Ensuring that all incarcerated people have access to hand  
23 sanitizer containing at least 60% alcohol;

24 D. Providing access to daily showers and daily access to  
25 clean laundry, including clean personal towels and  
26 washrags after each shower;

27 E. Requiring that all Lompoc staff wear personal protective  
28 equipment, consistent with the CDC guidance, including

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- masks and gloves, when interacting with any person or when touching surfaces in cells or common areas;
- F. Requiring that all Lompoc staff wash their hands, apply hand sanitizer containing at least 60% alcohol, or change their gloves both before and after interacting with any person or touching surfaces in cells or common areas;
- G. Taking the temperature of all class members and screening for symptoms of COVID-19 of all class members, prison staff, and visitors daily (with a functioning and properly operated and sanitized thermometer) to identify potential COVID-19 infections;
- H. Assessing (through questioning) each incarcerated person daily to identify potential COVID-19 infections;
- I. Ensuring that all class member and prison staff exposed to individuals with known cases of COVID-19 be isolated from individuals who have not tested positive.
- J. Immediately providing on a daily basis clean masks for all individuals who display or report potential COVID-19 symptoms until they can be evaluated by a qualified medical professional or placed in non-punitive quarantine and ensure the masks are properly laundered with replacements as necessary;
- K. Ensuring that individuals identified as having COVID-19 or having been exposed to COVID-19 receive adequate medical care and are properly quarantined (without resorting to cohorting, if possible), in a non-punitive setting, with continued access to showers, recreation, mental health services, reading materials, phone and video

- 1 visitation with loved ones, communications with counsel,  
2 and personal property;
- 3 L. Cleaning and disinfecting frequently touched surfaces with  
4 disinfectant products effective against the virus that causes  
5 COVID-19 (at the manufacturer's recommended  
6 concentration), as well as surfaces in common areas, every  
7 two hours during waking hours, and at least once during  
8 the night;
- 9 M. Assuring incarcerated people are told they will not be  
10 retaliated against for reported COVID-19 symptoms;
- 11 N. Providing necessary medical treatment consistent with  
12 community standards for incarcerated people who are ill  
13 because of COVID-19;
- 14 O. Responding to all emergency (as defined by the medical  
15 community) requests for medical attention within an hour;
- 16 P. Crafting a mechanism to ensure compliance through the  
17 appointment of an independent monitor with medical  
18 expertise to ensure compliance with these conditions, and  
19 provide the monitor with unfettered access to medical  
20 units, confidential communication with detained  
21 individuals in and out of quarantine, and surveillance  
22 video of public areas of the facilities;

- 23 6. Certify this petition as a class action, for the reasons stated herein;
- 24 7. Award Plaintiffs' attorneys' fees and costs, as provided by statute and  
25 law; and
- 26 8. Order such other and further relief as this Court deems just, proper and  
27 equitable.

28 3652391 Local Rule 5-4.3.4(a)(2)(i) Compliance: Filer attests that all other

# EXHIBIT

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1 corresponding declaratory relief is appropriate respecting the class as a whole.”  
2 Here, Respondents’ failure to make prompt and reasonable use of home  
3 confinement and compassionate release in light of the pandemic which takes into  
4 account inmates’ age and medical conditions is applicable to each member of the  
5 class so that injunctive relief is appropriate as to the class as a whole. Accordingly,  
6 the Court finds Rule 23(b)(2) is satisfied.

#### 7 IV. CONCLUSION

8 Accordingly, the Court GRANTS Petitioners’ Motion for Preliminary  
9 Injunction and *Ex Parte* Application for Provisional Class Certification as follows:

- 10 1. The Court certifies, on a provisional basis, a class defined as “all  
11 current and future people in post-conviction custody at FCI Lompoc  
12 and USP Lompoc over the age of 50, and all current and future  
13 people in post-conviction custody at FCI Lompoc and USP Lompoc  
14 of any age with underlying health conditions, including chronic  
15 obstructive pulmonary disease; serious heart conditions such as heart  
16 failure, coronary artery disease, or cardiomyopathies; Type 2  
17 diabetes; chronic kidney disease; sickle cell disease;  
18 immunocompromised state from a solid organ transplant; obesity  
19 (body mass index of 30 or higher); asthma; cerebrovascular diseases;  
20 cystic fibrosis; hypertension or high blood pressure;  
21 immunocompromised state from blood or bone marrow transplant;  
22 immune deficiencies, HIV, or those who use corticosteroids, or use  
23 other immune weakening medicines; neurologic conditions such as  
24 dementia; liver diseases; pulmonary fibrosis; thalassemia; Type 1  
25 diabetes; and smokers (hereinafter, “Underlying Health  
26 Conditions”);”  
27  
28 2. No later than July 20, 2020, Respondents shall file under seal a list  
with the Court which: (a) identifies all members of the class defined  
in this Order; (b) identifies each class member’s sentencing court and  
the criminal case number; and (c) identifies whether the class  
member has (i) submitted a request for compassionate release, and if  
so whether a decision has been made as to the request, and (ii) been  
reviewed for home confinement since March 26, 2020, and if so,  
whether the inmate has been designated for home confinement;  
3. No later than July 22, 2020, Respondents shall file a declaration



1 setting forth the process used to identify the class members in the list  
2 filed;

- 3 4. No later than July 22, 2020, notify inmates that they are being  
4 considered for home confinement and institute a process, including  
5 free telephone calls or emails to their families so that inmates can  
6 provide Respondents with a plan for release to home confinement,  
7 which includes any information about their ability to quarantine for  
8 14 days upon release;
- 9 5. No later than July 28, 2020, Respondents shall make full and speedy  
10 use of their authority under the CARES Act and evaluate each class  
11 member's eligibility for home confinement which gives substantial  
12 weight to the inmate's risk factors for severe illness or death from  
13 COVID-19 based on age (over 50) or Underlying Health Conditions;
- 14 6. No later than July 29, 2020, Respondents shall file under seal a  
15 declaration setting forth a list of class members whom Respondents  
16 have determined are eligible for home confinement, and an  
17 explanation for each denial of home confinement of any class  
18 member, including an explanation of the factual basis for any factors  
19 determined to outweigh the danger to the inmate from COVID-19;
- 20 7. No later than July 22, 2020, file a declaration setting forth criteria  
21 for compassionate release which takes into account COVID-19, and  
22 an explanation if no such criteria for compassionate release exists  
23 which takes into account COVID-19 as to Lompoc inmates; and
- 24 8. No later than August 3, 2020, for any Lompoc inmate who has  
25 made a written request for compassionate release based on COVID-  
26 19 but has not received a decision, Respondents shall provide written  
27 notice of either (a) a referral of the matter in writing with  
28 recommendation of approval of the request pursuant to 28 C.F.R. §  
571.62, or (b) a denial of the request and copy of the applicable  
appeal form pursuant to 28 C.F.R. §§ 571.63, 542.15.

24 ///

25 ///

26 ///

27 ///

28 ///

EXHIBIT

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AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Southern California

Thank you for contacting the ACLU regarding the Lompoc class action.

On June 28, the Court granted our motion for preliminary approval of the settlement agreement in the Lompoc class action, *Garries v. Milusnic*, 20-CV-4450 CBM (PVCx) (C.D. Cal). Friends and family members of class members may access a copy of the proposed settlement agreement, our motion for attorneys' fees, and the class notice on the ACLU's website at <https://www.aclusocal.org/en/cases/garries-v-milusnic>. We believe, given the ever-evolving facts related to COVID-19, the amount of time that has passed since the lawsuit started, and the temporary nature of BOP's home confinement authority under the CARES Act, that this settlement is the best possible outcome that can be achieved through this lawsuit. We remain thankful to the brave class members who agreed to be named plaintiffs on both the original and amended complaints, as well as to the many class members and loved ones who have provided us with critical updates and information that made this litigation possible.

We have received numerous questions regarding the settlement. Due to the volume of communications we receive, we cannot address or respond to all of these inquiries. Below, we respond to the most common questions:

1. **What are the terms of the settlement agreement?** In summary, the settlement requires Respondents at Lompoc to do the following until (1) December 17, 2022, (2) the National Emergencies Act terminates, or (3) the Attorney General determines emergency conditions are no longer materially affecting the functioning of the BOP, whichever comes first:
  - Continue to comply with the Court's previous orders regarding home confinement, which bar the BOP from denying people home confinement based solely on time-served or the nature of a prior offense, and which require the BOP to transfer people to home confinement within one month of approval.
  - Comply with the BOP Pandemic Response Plan guidelines, including:
    - Testing for COVID-19 systematically, including re-testing of close contacts of positive patients during widespread institution transmissions.
    - Performing daily symptoms checks for all people who have been placed in quarantine.
    - Screening workers assigned to health services units for symptoms of COVID-19.
    - Making medical isolation in the SHU "operationally distinct" from disciplinary or restricted housing by providing daily medical visits, access to mental health services, efforts to provide similar access to radio, clock/watch, reading materials, personal property, and commissary as in regular housing units, and consider increased telephone privileges to maintain mental health and connection during isolation.

EXECUTIVE DIRECTOR Hector O. Villagra

CHAIR Michele Goodwin VICE CHAIRS Rob Hennig and Stacy Horth-Neubert

CHAIRS EMERITI Marla Stone Shari Leinwand Stephen Rohde Danny Goldberg Allan K. Jonas\* Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum\*



7. Who will be re-reviewed for home confinement under the Settlement Agreement? The Settlement Agreement does not require Lompoc to re-review anybody who has already been denied. It requires Lompoc to continue reviewing class members for home confinement in compliance with the Court's existing home confinement orders for the duration of the term stated in the Settlement Agreement. The Court's prior orders (and therefore the Settlement Agreement) require that Lompoc do the following:
- Make full and speedy use of BOP's CARES Act authority to review members of the Settlement Class for transfer to home confinement;
  - Assign substantial weight to the class member's risk factors for severe illness and death from COVID-19 based on age (over 50) or Underlying Health Conditions;
  - Refrain from denying a class member home confinement under the CARES Act on the sole basis of the amount of time served or some other variation of a time component without other good cause;
  - Refrain from denying a class member home confinement under the CARES Act on the sole basis of a prior offense without other good cause;
  - If home confinement is denied, provide a declaration to counsel for Plaintiff-Petitioners explaining in detail why the reasons for denial substantially outweigh the class member's risk factors for severe illness and death from COVID-19.

Class counsel will be monitoring the review worksheets, and if any denials appear to be out of compliance with the Court's preliminary injunction orders, class counsel will request Lompoc to re-review those individuals. Ultimately, it will be Lompoc's decision whether to re-review any class member and whether to grant anyone home confinement. If class counsel determines Lompoc is in breach of the Settlement Agreement, class counsel will seek relief from the Court in accordance with the Settlement Agreement.

8. Can I apply to be re-reviewed for home confinement under the Settlement Agreement? Class members who believe they have been wrongfully denied home confinement can submit requests with their case managers to seek re-review.

- \* 9. What is the status of the 2241 motions seeking "Immediate Release" that were filed with the Court? Class counsel will request that the Court consider the recent emergency motions filed by class members under 28 U.S.C. 2241 as part of its evaluation and determination of the final approval of the proposed settlement agreement.

We hope the above has answered many of your questions. Please note that if you have mailed us an Objection, comment, or Petition for Release, we will be filing that correspondence with court after the comment period closes.

**EXHIBIT**

12



## Ex-Officer Is Sentenced To Prison In Floyd Case

BY JOE BARRETT

Former Minneapolis Police Officer Thomas Lane was sentenced to 2½ years in federal prison for violating the civil rights of George Floyd, who was killed in police custody in May 2020, sparking a national conversation about police treatment of Black people.

Mr. Lane and fellow officers J. Alexander Kueng and Tou Thao were convicted in February of showing deliberate indifference to Mr. Floyd's serious medical need as he lay handcuffed and face down in the street with former officer Derek Chauvin kneeling on his neck and back for over nine minutes.

Mr. Chauvin, who was convicted of second-degree murder in state court, pleaded guilty to federal civil-rights charges and was sentenced this month to more than 20 years in federal prison.

Messrs. Kueng and Thao have yet to face sentencing on the federal charges. Mr. Lane has pleaded guilty to state charges of aiding and abetting manslaughter.

Mr. Lane had been a full-fledged officer for only a few days when he and Mr. Kueng, also a rookie, were called to a convenience store on a report of someone using a fake \$20 bill.

They found Mr. Floyd unwilling to get into a police car, according to video and evidence presented at trial. When Mr. Chauvin, a 19-year veteran, arrived, he led the others in wrestling Mr. Floyd to the street and then kneeled on his neck and back, while Mr. Kueng kneeled on his back and Mr. Lane controlled his legs. Mr. Thao kept at bay onlookers.

Twice Mr. Lane asked Mr. Chauvin if they should turn Mr. Floyd over to help him breathe and twice Mr. Chauvin said no, according to evidence presented at trial.

# EXHIBIT

13



Office of the Attorney General  
Washington, D. C. 20530

March 26, 2020

MEMORANDUM FOR DIRECTOR OF BUREAU PRISONS

FROM: THE ATTORNEY GENERAL *UpBarr*  
SUBJECT: Prioritization of Home Confinement As Appropriate in Response to COVID-19 Pandemic

COPY

Thank you for your tremendous service to our nation during the present crisis. The current situation is challenging for us all, but I have great confidence in the ability of the Bureau of Prisons (BOP) to perform its critical mission during these difficult times. We have some of the best-run prisons in the world and I am confident in our ability to keep inmates in our prisons as safe as possible from the pandemic currently sweeping across the globe. At the same time, there are some at-risk inmates who are non-violent and pose minimal likelihood of recidivism and who might be safer serving their sentences in home confinement rather than in BOP facilities. I am issuing this Memorandum to ensure that we utilize home confinement, where appropriate, to protect the health and safety of BOP personnel and the people in our custody.

**I. TRANSFER OF INMATES TO HOME CONFINEMENT WHERE APPROPRIATE TO DECREASE THE RISKS TO THEIR HEALTH**

One of BOP's tools to manage the prison population and keep inmates safe is the ability to grant certain eligible prisoners home confinement in certain circumstances. I am hereby directing you to prioritize the use of your various statutory authorities to grant home confinement for inmates seeking transfer in connection with the ongoing COVID-19 pandemic. Many inmates will be safer in BOP facilities where the population is controlled and there is ready access to doctors and medical care. But for some eligible inmates, home confinement might be more effective in protecting their health.

In assessing which inmates should be granted home confinement pursuant to this Memorandum, you are to consider the totality of circumstances for each individual inmate, the statutory requirements for home confinement, and the following non-exhaustive list of discretionary factors:

- The age and vulnerability of the inmate to COVID-19, in accordance with the Centers for Disease Control and Prevention (CDC) guidelines;

Memorandum from the Attorney General  
Subject: Department of Justice COVID-19 Hoarding and Price Gouging Task Force

Page 2

- The security level of the facility currently holding the inmate, with priority given to inmates residing in low and minimum security facilities;
- The inmate's conduct in prison, with inmates who have engaged in violent or gang-related activity in prison or who have incurred a BOP violation within the last year not receiving priority treatment under this Memorandum;
- The inmate's score under PATTERN, with inmates who have anything above a minimum score not receiving priority treatment under this Memorandum;
- Whether the inmate has a demonstrated and verifiable re-entry plan that will prevent recidivism and maximize public safety, including verification that the conditions under which the inmate would be confined upon release would present a lower risk of contracting COVID-19 than the inmate would face in his or her BOP facility;
- The inmate's crime of conviction, and assessment of the danger posed by the inmate to the community. Some offenses, such as sex offenses, will render an inmate ineligible for home detention. Other serious offenses should weigh more heavily against consideration for home detention.

In addition to considering these factors, before granting any inmate discretionary release, the BOP Medical Director, or someone he designates, will, based on CDC guidance, make an assessment of the inmate's risk factors for severe COVID-19 illness, risks of COVID-19 at the inmate's prison facility, as well as the risks of COVID-19 at the location in which the inmate seeks home confinement. We should not grant home confinement to inmates when doing so is likely to increase their risk of contracting COVID-19. You should grant home confinement only when BOP has determined—based on the totality of the circumstances for each individual inmate—that transfer to home confinement is likely not to increase the inmate's risk of contracting COVID-19.

## II. PROTECTING THE PUBLIC

While we have an obligation to protect BOP personnel and the people in BOP custody, we also have an obligation to protect the public. That means we cannot take any risk of transferring inmates to home confinement that will contribute to the spread of COVID-19, or put the public at risk in other ways. I am therefore directing you to place any inmate to whom you grant home confinement in a mandatory 14-day quarantine period before that inmate is discharged from a BOP facility to home confinement. Inmates transferred to home confinement under this prioritized process should also be subject to location monitoring services and, where a court order is entered, be subject to supervised release.

We must do the best we can to minimize the risk of COVID-19 to those in our custody, while also minimizing the risk to the public. I thank you for your service to the country and assistance in implementing this Memorandum.

COPY

EXHIBIT

14



**Monthly Updates**

13. In lieu of filing reports with the district court, the Respondents shall provide Petitioners' counsel with monthly updates ("Monthly Updates") to the class list, Review Worksheets, and charts of class members approved for placement on home confinement reflecting dates of projected release and dates of actual release, through the termination date of this Agreement. The Monthly Updates shall also include a report regarding FCC Lompoc's compliance with the provisions of paragraphs 8 – 12 of this agreement, for as long as the referenced Modules of the BOP COVID-19 Pandemic Response Plan and COVID-19 Modified Operations Matrix remain in effect.

**Resolution and Release of Claims/No Admission of Wrongdoing**

14. The parties agree that this Agreement resolves all claims in the above-captioned case.

15. Upon final approval of this Agreement by the district court, the named Petitioner and all members of the Settlement Class, as defined in Paragraph 2 above, individually and behalf of all their respective heirs, beneficiaries, successors and assigns, in consideration of the benefits of this Agreement, release and forever discharge the Respondents and BOP, and all their respective present and former officers, employees, agents, heirs, successors and assigns, from all actions, causes of action, suits, claims, or controversies, for any and all forms of non-monetary relief arising from or based on either: (i) any denial of home confinement or exercise of the BOP's statutory authority under the CARES Act to transfer prisoners to home confinement which may be brought during the time this Agreement is in effect, except as otherwise provided under this Agreement, or (ii) any acts or omissions alleged or that could have been alleged in the Action relating to risks associated with the COVID-19 pandemic occurring prior to the Effective Date. For the avoidance of doubt, this release applies to any and all Class

1 Members' habeas corpus cases pursuant to 28 U.S.C. § 2241 seeking any relief due  
2 to the COVID-19 pandemic for acts or omissions occurring prior to the Effective  
3 Date.

4 16. This Agreement shall in no way be deemed an admission by any party  
5 of liability, fault, misconduct, or a violation of any policies, procedures, or federal,  
6 state, or local laws or regulations. Neither this Agreement nor the fact of this  
7 settlement shall be construed to be, nor shall it be, admissible in any proceeding as  
8 evidence of an admission by any party of a violation of any policies, procedures, or  
9 federal, state, or local laws or regulations; nor shall this Agreement or the fact of  
10 settlement constitute evidence of any admission by any party as to any issue of law  
11 or fact. This Agreement is entered into by all parties for the purposes of  
12 compromising disputed claims and avoiding the expenses and risks of litigation.

13 This Agreement shall only ever be admissible in a proceeding to enforce its terms.

14 **Duration and Termination of Settlement**

15 17. The parties intend that this Agreement will remain in place until a)  
16 December 17, 2022, b) the day the national emergency declaration with respect to  
17 the Coronavirus Disease 2019 (COVID-19) under the National Emergencies Act  
18 (50 U.S.C. 1601 et seq.) terminates; or c) the day the Attorney General determines  
19 that emergency conditions no longer materially affect the functioning of the Bureau  
20 of Prisons, whichever is earlier, but upon the mutual consent of the parties, this  
21 date of termination may be modified, shortened or extended.

22 18. Upon termination of this Agreement, without the need for any further  
23 order of any state or federal court, all jurisdiction of any court to enforce this  
24 Agreement shall end, apart from the enforcement of any judgment or order to pay  
25 fees and costs.

# EXHIBIT

15



## Notice of Accreditation Survey

Name of Organization: FCC Lompoc

☐ This is an Unannounced survey, or

☒ The Survey date(s) are: August 22-23, 2022

The above-named organization has voluntarily requested this accreditation survey as a means of having a third-party review of the entire organization to build upon strengths or identify opportunities to improve its delivery of safe, high-quality health care. The survey will evaluate the organization's compliance with AAAHC Standards for ambulatory health care organizations and to determine if accreditation should be awarded to, or retained by, this organization.

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Members of the general public, patients, and individuals on the staff of this organization, believing that they have relevant and valid information about this organization's provision of health care or compliance with AAAHC Standards, may request to present this information to AAAHC surveyors at the time of the survey or may communicate such information in writing or by telephone to the AAAHC office.

All information received from identified individuals at or prior to the survey will be considered in making the accreditation decision. The information presented will not be debated with the reporting individual. Requests for presentation must be received at least two weeks prior to the survey in order to allow sufficient time to schedule presentations.

A request to present or report information may be communicated in writing by mail to the address below; email to [feedback@aaahc.org](mailto:feedback@aaahc.org); or by telephone as listed below.

Accreditation Association for Ambulatory Health Care, Inc.  
5250 Old Orchard Road, Suite 200 Skokie,  
IL 60077  
Telephone: 847.853.6060  
FAX: 847.853.9028

This Notice of Accreditation Survey is posted in accordance with AAAHC requirements, and may not be removed until after the survey has concluded, or until it has been posted for 30 days if the survey ends prior to that period.

Date This Notice Was Posted: July 29, 2022

Staff Name: C. Hansen Title: Health Services Administrator



Accreditation Association for Ambulatory Health Care, Inc.  
5250 Old Orchard, Suite 200  
Skokie, IL 6077

August 8, 2022

re: Pending re-accreditation of Lompoc FCI on August 22-23

Dear Sir or Madam:

I wish a personal encounter during your visit to share detailed information on the unconstitutional conditions of confinement at Lompoc as pertain to deficient medical care.

Time does not allow a complete description of the deplorable conditions we encounter on a daily basis, below I touch solely on a few highlights. As an incarcerated 75-year old man with more than normal medical complications I am particularly qualified to advise your inspectors. Also, as an inmate, I am financially stressed in my ability to provide you with copies of email medical requests, medical files, and reports to the ACLU in a class-action suit over unconstitutional conditions of confinement. Lack of medical care is a major component.

Lompoc FCI Medical Problems in General:

- 1: There is no sick call triage. At the peak of the first COVID wave normal sick call triage was cancelled entirely. A request form was required to obtain access to health services or email request via in-house services. Email is NEVER answered. Request forms are never answered and rarely responded to. Even the drop box for request forms has been removed. Serious medical conditions do not permit weeks and months of delay.
- 2: Quality of health care is poor.
- 3: Scheduled access requires standing outside in harsh environments for hours.
- 4: Waiting rooms are inaccessible.
- 5: Deliberate Indifference and Negligence has killed inmates and causing irreverasible harm to others.

Specific Problems:

- 6: I require a complete shoulder replacment due to delivirate indifference which delayed prompt orthoscopic surgery which would have solved the injury.
- 7: I have been waiting almost three years for shoulder replacement, prescribed by outside specialists, ordered by medical staff and canceled by administration.
- 8: Irreversible kidney damage is being caused by pain relievers for #5 & #7
- 9: Medically prescribed hernia surgery has been repeatedly ordered and canceled for six years.
- 10: Staff is bullying men into cancelling medical care outside under threat of being quarantined in a sensory deprivation chamber for weeks or months.
- 11: Traumatic Mental Health care for PTSD from 2 1/2 years of lockdown is unavailable.
- 12: Administrative remedies are effectively impossible.
- 13: Staff do not practice infection control, many do not wear PPE.

These are just the tip of the iceberg. A personal interview will expose additional failures and a mass of documentation for copying. Attached are recent examples of just one inmates plight.

Respectfully,



Albert Lee Mitchell, #6828097  
Federal Correction Institute  
1600 Guard Road



Date: 11/21/2022  
Time: 06:05:08 PM

Location: LOX

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

Request for Withdrawal of Inmate's Personal Funds

LOF-G-A, 13411104 - MEDINA, MAURICIO

Encumbrance No.: 697

Please charge to my account the sum of **\$5.00** and authorize the same to be paid to:

Contact/FMIS Certification Address

House, Us Court  
411 W 4TH ST  
room 1053  
SANTA ANA  
CA 92701  
United States

Purpose: Court Fees

Check Memo:

\_\_\_\_\_  
(Signature of Inmate)

13411104 - MEDINA, MAURICIO

\_\_\_\_\_  
(Inmate Register No./Name)

\_\_\_\_\_  
(Signature of Approving Official)

\_\_\_\_\_  
(Signature of Deposit Fund Tech)

\_\_\_\_\_  
(Payment #)

The inmate's personal account has been charged in the amount indicated above.

Mauricio Medina  
.3600 Guard RD  
Lompoc, CA 93436  
United States

U.S. POSTAGE PAID  
PM  
LOMPOC, CA  
93436  
DEC 03, 22  
R2306M154789-12  
**\$0.40**  
AMOUNT



92701



RDC 04

*Intake*

13411-104

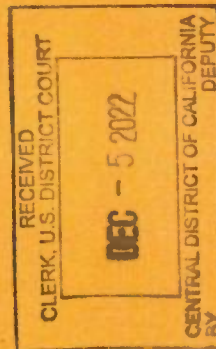
Us Court House  
411 W 4TH ST  
room 1053  
Santa ANA, CA 92701

EXPECTED DELIVERY DAY: 12/05/22

USPS TRACKING® #



9505 5133 7232 2337 8832 72



*LEGAL MAIL*

*LEGAL MAIL*



FCC LOMPOC  
3901 KLEIN BLVD  
LOMPOC, CA 93436

DATE

12.1.22

The following letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarify them. If the writer enclosed court's correspondence for forwarding to another address, please return the enclosed to the above address.